

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 8:20-cr-138-CEH-JSS

LUIS ELIAS ANGULO LEONES,
JHONIS ALEXIS LANDAZURI
ARBOLEDA and
DILSON DANIEL ARBOLEDA
QUINONES

ORDER

This matter comes before the Court on the Defendants' Second Emergency Motion for Order Allowing View of Alleged Drug Evidence (Doc. 335), filed on October 8, 2021. In the motion, Defendants request a Court order directing the Government to allow viewing of each individual cocaine brick at the scheduled evidence view in Miami on October 13, 2021, or alternatively, preclude the Government from being able to use the drug and laboratory evidence at trial. The Court requested an expedited response from the Government to Defendants' motion, which the Government filed on October 9, 2021. Doc. 338. Additionally, the Government filed pictures of the bricks on the go-fast vessel taken during the interdiction (Doc. 338-1), photographs of the bricks at the DEA facility in Miami (Doc. 338-2), and the affidavit of Agnes Winokur, associate lab director at the DEA Southeast Laboratory (Doc. 338-3). A hearing on the motion was conducted on October 12, 2021. As discussed at the hearing, the Court has already granted defense

counsel the opportunity to view the bulk drug evidence at the DEA laboratory facility in Miami Florida. That view by counsel is scheduled to take place on October 13, 2021, in Miami, Florida.

Defendants' second emergency motion requests a Court order directing the Government to permit the removal and inspection of each individualized brick and any logos on the brick packaging. The Government's response explains the logistical and safety concerns associated with the Defendants' request. For the reasons discussed more thoroughly at the hearing, the Court denies the Defendants' request to the extent that Defendants seek to individually view each brick of cocaine. As discussed in the Winokur affidavit, the serious safety concerns posed by prolonged exposure to cocaine particles that may go airborne during repeated handling and physical contact with each individual brick is too hazardous to the health of the lab employees, the defense counsel present, and any other individuals present to assist with the view. Additionally, Defendants' request poses significant security issues.

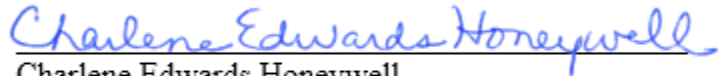
As previously ordered, Defendants will be permitted to view the bulk drug evidence at the Miami DEA laboratory facility on March 13, 2021. This view will take place in accordance with the lab's safety and security procedures. Defendants will not be permitted to view each brick individually, nor will the Court grant the alternative relief requested by Defendants of prohibiting the Government from introducing drug or laboratory evidence at trial.

Accordingly, it is hereby

ORDERED:

1. Defendants' Second Emergency Motion for Order Allowing View of Alleged Drug Evidence (Doc. 335) is **DENIED** as set forth herein.

DONE AND ORDERED in Tampa, Florida on October 12, 2021.


Charlene Edwards Honeywell
United States District Judge

Copies to:
Counsel of Record and Unrepresented Parties, if any